1 The Board of Adjustment of the City of Seabrook met on Monday, September 12, 2022 at 6:00 2 p.m. in the Seabrook City Hall, Council Chambers to discuss, consider, and if appropriate, take 3 action with respect to the agenda items listed below. 4 5 THOSE PRESENT WERE: 6 7 SUE LANGGARD THOMEY **CHAIRMAN** 8 MICHELE GLASER VICE-CHAIR 9 EDELMIRO MUNIZ (exc. absence) **MEMBER** 10 **TIN NGO MEMBER** 11 **TERRY MOORE MEMBER** 12 vacant **ALTERNATE MEMBERS** 13 STEVE WEATHERED CITY ATTORNEY 14 **SEAN LANDIS** DIRECTOR OF PLANNING AND 15 COMMUNITY DEVELOPMENT 16 **PAT PATEL** ADMINISTRATIVE COORDINATOR 17 18 Sue Thomey called the meeting to order at 6:00 p.m. 19 20 1.0 ADMINISTER OATH OF WITNESSES 21 22 2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS 23 24 None 25 26 27 3.0 SPECIFIC PUBLIC HEARING 28 29 Chair Sue Thomey opened the Public Hearings at 6:00 p.m. 30 31 Sean Landis Presentation: 32 Applicant request is to reduce the side yard setback from the required five feet to 33 2.5 feet. 34 • The variance if approved would allow for an increase in width of the structure 35 from 15 feet to 20 feet 36 Per the Code of Ordinances, Appendix A "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-37 38 1 Single-family detached residential district" Subsection 3.03.04 "area 39 regulations: 40 • E. "Side Yards for Older Subdivisions", For lots platted prior to July 19, 1970 41 which are nonconforming as to lot size only, side yard setbacks shall be minimum 42 of five feet.

• If these lots were platted today, they would have to be 7,500 square feet each with

Applicant is requesting to reduce that allowance for a 5ft side setback to what

a minimum lot width dimension of 50feet.

they are requesting is a 2.5 feet side setback.

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50 • If you were 51 your house 52 additional i 53 wide house

• If you were to build a house with 5ft. side setbacks, it creates a situation where your house is only going to be 15ft wide. What the applicant is requesting is an additional reduction in the side setback which would allow them to build a 20ft wide house on each one of these three lots.

#### Applicant Michael Porterfield Presentation:

Developer would like to construct townhomes in this area – rental property
 Owners wants to rent these townhomes

• Foundation will be concrete structures, concrete columns, concrete beams, and they will have elevators and stairs with parking underneath them.

• Downstairs area would be stone columns and upstairs would be state-of-the-art architecture

 Would like to complement the surrounding community construction, would like to call it Villas on the Bay

• Would like to keep the hike and bike trail that goes thru the site.

  Added elevator on 3325 site – parking issue underneath – could not park in the perimeter of the building

• Site 3325 is wider in the back than the other two sites – more spacious inside

 • See Attached Exhibit of Villas on the Bay

#### **Public Comments:**

• Bryan Sawyer, 502 E. Meyer Rd – no advantage for the community – traffic is already bad in this intersection – homes with 5 feet between them seems silly

 Ann Wacker, 526 Villa Dr. – has no problems with the design – it would be better if there
were two houses instead of three – concerned that the architect did not show for the
meeting

 Diane Morris, 522 Villa Dr. – Does not want Seabrook to look like downtown Houston – concerned about the trails – this is a busy intersection – will cause a lot of traffic jams and accidents

 Casey Thorn, 528 Villa Dr. – very high density – better to have two units instead of three – Todville road floods
 Masood Ahmad, 513 Villa Dr. – building in that corner is a bad idea – more accidents

 and issues – busy intersection – oppose any construction in that corner – need to mitigate safety
 John Xia, 529 Villa Dr. – safety issues – attraction is an issue – all neighborhoods need to

John Ala, 329 Villa Dr. – safety issues – attraction is an issue – an heighborhoods need to look nice
 Patrick Cirino, 571 Villa Dr. – worried about school zone for Seabrook Intermediate –

busy intersection – makes more sense to have two homes instead of three
 Paul Berwanger, 537 Villa Dr. – Does the bike trail go away? – Lot of people walking the trails will be forced off Todville Road – high pedestrian area – safety issue for

Chair Sue Thomey closed the public hearing at 6:57pm

pedestrians – need two houses not three

3.1 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.

Owner: Robinson 2000 Real Estate LLC, P.O. Box 66, Seabrook, TX 77586

Applicant: Michael Porterfield, 19220 Space Center Blvd #513, Houston, TX 77058

Legal Description: 3319 Todville Road, Seabrook, TX 77586

Lot 3 of Bay Shore a Subdivision in Harris County, Texas.

**Location:** This property is located west of Todville Road, and south of Searidge Lane.

3.2 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.

Owner: Robinson 2000 Real Estate LLC, P.O. Box 66, Seabrook, TX 77586

Applicant: Michael Porterfield, 19220 Space Center Blvd #513, Houston, TX 77058

Legal Description: 3321 Todville Road, Seabrook, TX 77586

Lot 2 of Bay Shore a Subdivision in Harris County, Texas.

**Location:** This property is located west of Todville Road, and south of Searidge Lane.

3.3 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.

Owner: Robinson 2000 Real Estate LLC, P.O. Box 66, Seabrook, TX 77586

Applicant: Michael Porterfield, 19220 Space Center Blvd #513, Houston, TX 77058

Legal Description: 3325 Todville Road, Seabrook, TX 77586

Lot 1 of Bay Shore a Subdivision in Harris County, Texas.

Location: This property is located west of Todville Road, and south of Searidge Lane.

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**NEW BUSINESS** 

Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet. Location 3319 Todville Road

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VARIANCE FINDINGS PURSUANT TO SECTION 11.04.02 – the issuance of a variance may not be granted unless the board shall determine that all of the following criteria have been met:

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structure or building involved which are not applicable to other lands, structures or buildings in the same district. **Applicant's Answer:** Sites were sold/purchased under the understanding the sites were 25'-0"

That special conditions and circumstances exist which are peculiar to the land,

wide and had no restrictions on the set backs which a home could comfortable be built upon. These properties should be grandfathered and now must comply after being approve with a new ordinance. These properties should have been considered grandfathered when changing the ordinance and provisions made allowing these site to be developed for their intended use as originally platted.

## We find accordingly

Ayes:

Nays: Sue Thomey, Michele Glaser, Tin Ngo, Terry Moore

Abstain: None

That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.

**Applicant's Answer:** The ordinance requirement of 5'-0" side setbacks on each side of a property prohibits these properties of the rights commonly enjoyed by other property owners in the district under the terms of this ordinance. Other properties have adequate building widths with new set back ordinances.

205 We find accordingly. 206 207 Ayes: Tin Ngo Nays: Sue Thomey, Michele Glaser, Terry Moore 208 209 Abstain: None 210 211 C. That the special conditions and circumstances do not result from the actions of the 212 applicant. 213 214 **Applicant's Answer:** Property was originally purchased and platted with lots 25'-0" wide and 215 100'-0" long sites with no required minimum set backs until new ordinances and zoning changes 216 were adopted, this change did not result from the applicant/property owner. 217 218 We find accordingly. 219 220 Ayes: Sue Thomey, Michele Glaser, Tin Ngo, Terry Moore 221 Nays: 222 Abstain: None 223 224 That granting the variance requested will not confer on the applicant any special D. 225 privilege that is denied by this ordinance to other lands, structures, or buildings in 226 the same district. 227 228 **Applicant's Answer:** The variance request will not confer on the applicant any special privilege 229 that is denied by this ordinance to other lands, structures, or buildings in the same district when 230 considering the properties existing site limitations. 231 232 We find accordingly. 233 234 Ayes: Tin Ngo 235 Nays: Sue Thomey, Michele Glaser, Terry Moore 236 Abstain: None 237 238 E. That a literal enforcement of the provisions of this ordinance would result in 239 unnecessary hardship. 240 241 **Applicant's Answer:** The literal enforcement of the provisions of this ordinance would result in 242 unnecessary hardship preventing the development of the sites for it's intended use. 243 244 We find accordingly, for the reasons expressed herein: 245 246 247 Nays: Sue Thomey, Michele Glaser, Tin Ngo, Terry Moore 248 Abstain: None 249 250 VARIANCE DENIED 251

- 4.2 Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet. Location 3321 Todville Road.
  - A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.

**Applicant's Answer:** Sites were sold/purchased under the understanding the sites were 25'-0" wide and had no restrictions on the set backs which a home could comfortable be built upon. These properties should be grandfathered and now must comply after being approve with a new ordinance. These properties should have been considered grandfathered when changing the ordinance and provisions made allowing these site to be developed for their intended use as originally platted.

### We find accordingly

Ayes: Tin Ngo

Nays: Sue Thomey, Michele Glaser, Terry Moore

Abstain: None

B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.

**Applicant's Answer:** The ordinance requirement of 5'-0" side setbacks on each side of a property prohibits these properties of the rights commonly enjoyed by other property owners in the district under the terms of this ordinance. Other properties have adequate building widths with new set back ordinances.

#### We find accordingly.

Ayes: Tin Ngo

Nays: Sue Thomey, Michele Glaser, Terry Moore

Abstain: None

C. That the special conditions and circumstances do not result from the actions of the applicant.

**Applicant's Answer:** Property was originally purchased and platted with lots 25'-0" wide and 100'-0" long sites with no required minimum set backs until new ordinances and zoning changes were adopted, this change did not result from the applicant/property owner.

307 308 Ayes: Sue Thomey, Michele Glaser, Tin Ngo 309 Nays: Terry Moore 310 Abstain: None 311 312 D. That granting the variance requested will not confer on the applicant any special 313 privilege that is denied by this ordinance to other lands, structures, or buildings in 314 the same district. 315 316 **Applicant's Answer:** The variance request will not confer on the applicant any special privilege 317 that is denied by this ordinance to other lands, structures, or buildings in the same district when 318 considering the properties existing site limitations. 319 320 We find accordingly. 321 322 Ayes: Tin Ngo Nays: Sue Thomey, Michele Glaser, Terry Moore 323 324 Abstain: None 325 326 E. That a literal enforcement of the provisions of this ordinance would result in 327 unnecessary hardship. 328 329 Applicant's Answer: The literal enforcement of the provisions of this ordinance would result in 330 unnecessary hardship preventing the development of the sites for it's intended use. 331 332 We find accordingly, for the reasons expressed herein: 333 334 Ayes: 335 Nays: Sue Thomey, Michele Glaser, Tin Ngo, Terry Moore 336 Abstain: None 337 338 VARIANCE DENIED 339 340 341 342 4.3 Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 343 344 3 "Establishment of Zoning Districts and Associated Regulations", Section 345 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", E. "Side Yards For Older Subdivisions", For lots platted 346 347 prior to July 19, 1970 which are nonconforming as to lot size only, side yard 348 setbacks shall a minimum of five feet. Location 3325 Todville Road. 349 350 A. That special conditions and circumstances exist which are peculiar to the land, 351 structure or building involved which are not applicable to other lands, structures or 352 buildings in the same district. 353

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354 355 We find accordingly.

Applicant's Answer: Sites were sold/purchased under the understanding the sites were 25'-0" wide and had no restrictions on the set backs which a home could comfortable be built upon. These properties should be grandfathered and now must comply after being approve with a new ordinance. These properties should have been considered grandfathered when changing the ordinance and provisions made allowing these site to be developed for their intended use as originally platted.

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#### We find accordingly

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Ayes: Tin Ngo

Nays: Sue Thomey, Michele Glaser, Terry Moore

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Abstain: None

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B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.

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**Applicant's Answer:** The ordinance requirement of 5'-0" side setbacks on each side of a property prohibits these properties of the rights commonly enjoyed by other property owners in the district under the terms of this ordinance. Other properties have adequate building widths with new set back ordinances.

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#### We find accordingly.

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Ayes: Tin Ngo

381 Nays:

Nays: Sue Thomey, Michele Glaser, Terry Moore

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Abstain: None

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C. That the special conditions and circumstances do not result from the actions of the applicant.

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**Applicant's Answer:** Property was originally purchased and platted with lots 25'-0" wide and 100'-0" long sites with no required minimum set backs until new ordinances and zoning changes were adopted, this change did not result from the applicant/property owner.

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#### We find accordingly.

392 393

Ayes: Sue Thomey, Michele Glaser, Tin Ngo

394 Nays: Terry Moore 395 Abstain: None

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That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

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**Applicant's Answer:** The variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district when considering the properties existing site limitations.

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406	We fi	ind accordingly.
407 408		Ayes: Tin Ngo
409		Nays: Sue Thomey, Michele Glaser, Terry Moore
410		Abstain: None
411		Austain. None
412	Ε.	That a literal enforcement of the provisions of this ordinance would result in
413	E.	unnecessary hardship.
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415	Annl	icant's Answer: The literal enforcement of the provisions of this ordinance would result in
416		cessary hardship preventing the development of the sites for it's intended use.
417	umic	cessary hardship preventing the development of the sites for it's intended use.
418	Wafi	ind accordingly, for the reasons expressed herein:
419	Weji	na accordingly, for the reasons expressed nevern.
420		Ayes:
421		Nays: Sue Thomey, Michele Glaser, Tin Ngo, Terry Moore
422		Abstain: None
423		riostani. I vone
424		VARIANCE DENIED
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11.16		
426 427 428	5.0	ROUTINE BUSINESS
427 428 429 430	5.0 5.1	ROUTINE BUSINESS  Approve the minutes from the July 25, 2022 BOA meeting.
427 428 429 430 431 432		
427 428 429 430 431 432 433 434		Approve the minutes from the July 25, 2022 BOA meeting.
427 428 429 430 431 432 433 434 435 436		Approve the minutes from the July 25, 2022 BOA meeting.  Motion was made by Michele Glaser and seconded by Terry Moore.
427 428 429 430 431 432 433 434 435 436 437 438		Approve the minutes from the July 25, 2022 BOA meeting.  Motion was made by Michele Glaser and seconded by Terry Moore.  Approve the minutes as presented.
427 428 429 430 431 432 433 434 435 436 437 438 439	5.1	Approve the minutes from the July 25, 2022 BOA meeting.  Motion was made by Michele Glaser and seconded by Terry Moore.  Approve the minutes as presented.  MOTION CARRIES BY UNANIMOUS CONSENT.  Meeting adjourned at 7:05 p.m.
427 428 429 430 431 432 433 434 435 436 437 438 439 440	5.1	Approve the minutes from the July 25, 2022 BOA meeting.  Motion was made by Michele Glaser and seconded by Terry Moore.  Approve the minutes as presented.  MOTION CARRIES BY UNANIMOUS CONSENT.
427 428 429 430 431 432 433 434 435 436 437 438 439 440 441	5.1	Approve the minutes from the July 25, 2022 BOA meeting.  Motion was made by Michele Glaser and seconded by Terry Moore.  Approve the minutes as presented.  MOTION CARRIES BY UNANIMOUS CONSENT.  Meeting adjourned at 7:05 p.m.
427 428 429 430 431 432 433 434 435 436 437 438 439 440 441	5.1	Approve the minutes from the July 25, 2022 BOA meeting.  Motion was made by Michele Glaser and seconded by Terry Moore.  Approve the minutes as presented.  MOTION CARRIES BY UNANIMOUS CONSENT.  Meeting adjourned at 7:05 p.m.
427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443	APP	Approve the minutes from the July 25, 2022 BOA meeting.  Motion was made by Michele Glaser and seconded by Terry Moore.  Approve the minutes as presented.  MOTION CARRIES BY UNANIMOUS CONSENT.  Meeting adjourned at 7:05 p.m.  ROVED THIS 17th DAY OF October , 2022  Augustian Augustian Conservation of Conservation (Conservation) and the Conservation (Con
427 428 429 430 431 432 433 434 435 436 437 438 439 440 441	APP	Approve the minutes from the July 25, 2022 BOA meeting.  Motion was made by Michele Glaser and seconded by Terry Moore.  Approve the minutes as presented.  MOTION CARRIES BY UNANIMOUS CONSENT.  Meeting adjourned at 7:05 p.m.

## PRE-LEASING





AN EXCLUSIVE MULTISTORY DEVELOPMENT OF 2 & 3 BEDROOM MEDITERANIAN STYLE HOMES.

ROBINSON 2000 REAL ESTATE LLC

FOR LEASING INQUIRIES, PLEASE CONTACT

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